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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,867	02/11/2000	Yevgeny Yakov (Gene) Itkis	U 013182-7	5797

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26 WEST 61ST STREET
NEW YORK, NY 10023

EXAMINER

HENEGHAN, MATTHEW E

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 02/11/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/502,867

Applicant(s)

ITKIS, YEVGENY YAKOV (GENE)

Examiner

Matthew Heneghan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44 and 46-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,6,7,9. 6) ☐ Other: _____

DETAILED ACTION

1. In response to the second restriction requirement for the instant application, see Paper No. 12, applicant has elected to prosecute claims 44 and 46-50 without traversal.
2. Claims 44 and 46-50 have been examined.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Israel on 15 July 1999. It is noted, however, that applicant has not filed a certified copy of the No. 130,963 application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

4. The following Information Disclosure Statement(s) in the instant application have been fully considered:

Paper No. 2, filed 18 July 2000.

Paper No. 6, filed 27 January 2003.

Paper No. 7, filed 7 March 2003.

Paper No. 9, filed 31 October 2003.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 44, 46, and 48-50 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,426,700 to Berson.

As per claim 44, Berson discloses a method for analyzing an ID card wherein the device is sent an encryption key encrypted with one of a number of group keys corresponding to particular classes, not all of which match the content. The applicability of each key is determined, by determining if the decryption of a document using the key matches an unencrypted version of the document (see column 6, line 52 to column 7, line 4; column 7, lines 29-37; and column 8, lines 37-65).

As per claim 46, the procedure can be re-run using a new set of keys (see column 7, lines 45-52).

As per claims 48-50, the corresponding group keys are tracked using a bit-map, enabling the identification of group keys that were or were not associated with invalid content keys.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,426,700 to Berson as applied to claim 46 above, and further in view of U.S. Patent No. 5,309,516 to Takaragi et al.

Berson does not disclose the selection of group to be tested based upon the results of a previous iteration.

The group cipher method disclosed by Takaragi includes a procedure wherein a determination about whether or not a derived group key is designated for a single office (i.e. node) or is one of a larger set. If it is the latter, the process of group key determination is repeated for additional potential keys (see column 9, lines 15-44). Takaragi further suggests that by designating a plurality of desired communications partners over a plurality of offices (nodes), a group key necessary for performing group cipher communications can be possessed in common to the plurality of communication partners (see column 3, line 60 to column 4, line 17).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Berson by repeating iterations based on

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information about the derived keys, so that a group key necessary for performing group cipher communications can be possessed in common to the plurality of communication partners.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4,771,458 to Citta et al. discloses a system for testing a transmission against each of a set of keys.

U.S. Patent No. 4,926,475 to Spiotta et al. discloses a system for repetitively testing keys in order to detect failures.

U.S. Patent No. 5,592,552 to Fiat discloses a system for broadcasting key information to nodes organized as a binary tree.

U.S. Patent No. 5,661,803 to Cordery et al. discloses a method for verifying the keys of tokens introduced into a system.

U.S. Patent No. 5,812,666 to Baker et al. discloses a system for distributing groups keys to clients.

U.S. Patent No. 6,035,405 to Gage et al. discloses a method for initializing group keys for nodes being added to a secure network.

U.S. Patent No. 6,195,751 to Caronni et al. discloses a method for multicast key distribution.

U.S. Patent No. 6,263,435 to Dondeti et al. discloses a tree structure for managing members in a multicast group.

U.S. Patent No. 6,530,020 to Aoki discloses a method for using plain text documents to aid in group key distribution.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (703) 305-7727. The examiner can normally be reached on Monday-Thursday from 8:00 AM - 4:00 PM Eastern Time. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached on (703) 308-4789.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, DC 22313-1450

Or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park 2, 2121 Crystal Drive, Arlington, VA 22202, Fourth Floor (Receptionist).


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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MEH 

January 28, 2004